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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,581	04/21/2004	Yaacov Ben-Yaacov	6995P001X	6720
8791 7590 02/18/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER SELLERS, DANIEL R				
ART UNIT 2614		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/829,581

## Applicant(s)

BEN-YAACOV ET AL.

## Examiner

DANIEL R. SELLERS

## Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 53 is/are pending in the application.
- 4a) Of the above claim(s) 19,20,27-36,42-50 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. An Office Action, mailed on 06/27/2008, does not correctly acknowledge the withdrawn claims in the Office Action Summary on page 2. This has been corrected. Claims 19, 20, 27-36, 42-50, and 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 4/04/2008.

***Response to Arguments***

2. Applicant's arguments filed 11/24/08 have been fully considered but they are not persuasive.
3. Regarding claim 1, the combination teaches three sockets as claimed. Specifically, the combination teaches two distinct sockets, wherein the receiver socket and the second transfer socket serve two purposes at two different times. The USB or FIREWIRE port of the combination can receive digital audio data to store on the device and can transmit meta-data when playback is initiated. The claimed invention does not appear to distinguish against this interpretation, so the combination reads on the claimed limitations.
4. Regarding claims 2-6, 9-17, and 53, see the preceding argument with respect to claim 1. The combination of Grady, Carey, and Thielen teaches the features of the claimed invention in claims 2-6, 10-14, 16, 17, and 53. The combination of Grady, Carey, Thielen, and Matsuda teaches the features of the claimed invention in claim 9.

The combination of Grady, Carey, Thielen, and Ohmura teaches the features of the claimed invention in claim 15.

5. Regarding claims 7 and 8, the Office took Official Notice with respect to a USB socket being a USB 1.1 or 2.0 socket, respectively. The applicant did not traverse this rejection, and as such is an admission of prior art. The rejection under 35 USC 103 has been changed to reflect this admission (see MPEP 2144.03 C) .

### ***Drawings***

6. The drawings were received on 11/24/08. These drawings are acceptable.

7. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are not of sufficient quality for publication (see 37 CFR 1.84 (m-r)), wherein the shading creates difficulties in reading figures 2, 5, 6A-G, 7A, 7B, 8A-F. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 1-6, 10-14, 16-17, and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grady (previously cited), US 2004/0058649 A1, with evidence by David Carey, "Apple's iPod packs a pricey punch" (hereinafter Carey), in view of Thielen (previously cited), US 2004/0117442 A1.

10. Regarding **claim 1**, Grady teaches a hand-held music player for use in conjunction with radios, comprising:

*a casing (see ¶ 0073 and figure 18, show an iPod™ (hereinafter IPOD), which has a casing) ;*

*a receiver socket on said casing through which digital audio data is received (see ¶ 0073 and figure 18, unit 259 in view of Thielen);*

*a digital-to-analog audio converter housed within said casing (inherent in the IPOD as evidenced by Carey);*

*a first transfer socket on said casing through which a song is transferred to a radio transmitter (see ¶ 0064 and figure 12, unit 226);*

*a second transfer socket on said casing (see ¶ 0064 and figure 12, unit 228) through which meta-data for the song is transferred to the radio transmitter; and*

*a dial on said casing for selecting a song for playback (see figure 7 and additional evidence by Carey).*

Grady teaches a modular FM transmitter for transmitting the audio playback of an IPOD, or similar device (see abstract and ¶ 0009-0012). Carey is used as evidence to teach a digital-to-analog converter (see p. 1, ¶ 5, fourth sentence and p. 2, bottom left of figure, which teaches a Wolfson D/A chip), and a dial on the IPOD casing (see p. 1, ¶ 4, second sentence and p. 3, top left of figure, which teaches a navigation scroll wheel, or dial, assembly). However, Grady and Carey do not teach the second transfer socket for transmitting meta-data to the FM transmitter.

Thielen teaches a hand-held music player for use in conjunction with radios, which is capable of sending metadata to the radio transmitter to be transmitted to the radio (see ¶ 0049-0050 and 0129). Thielen teaches a receiver socket on said casing

through which digital audio data is received (see ¶ 0015). Ideally, Thielen teaches an all-in-one solution (see figures 3 and 10, unit 20), wherein the text (i.e. meta-data) is transmitted by the FM transmitter using RDS (see ¶ 0129). However, Thielen also teaches a modular solution, like that taught by Grady (see Thielen, ¶ 0213 and 0217-0220). It would have been obvious for one of ordinary skill in the art at the time of the invention to try to access meta-data in the IPOD through the FIREWIRE or USB port and transmit it to the radio for the purpose of displaying pertinent data, such as the artist and song title to car passengers. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Carey, and Thielen for the purpose of better display of meta-data.

11. Regarding **claim 2**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein said receiver socket also receives control commands for the music player (see Thielen, ¶ 0084).

12. Regarding **claim 3**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein said first transfer socket is a stereo minijack connector for inserting a headphone (see Grady, ¶ 0073).

13. Regarding **claim 4**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LED display (see Grady, ¶ 0075-0076 and figure 19 and Carey, p. 1, ¶ 5, fifth sentence, wherein the display is backlit by an LED).

14. Regarding **claim 5**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LCD display (see Carey, p. 1, ¶ 5, fifth sentence and/or Thielen, ¶ 0117 and 0139).

15. Regarding **claim 6**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein said receiver socket comprises a USB socket (see Grady, ¶ 0073).

16. Regarding **claim 10**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the radio transmitter is an FM or an RF transmitter (id., ¶ 0039-0040).

17. Regarding **claim 11**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, wherein the radio transmitter further comprises a radio data system (RDS) transmitter (see Thielen, ¶ 0129).

18. Regarding **claim 12**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein the meta-data for the song is transferred through said second transfer socket, for transmission by the radio transmitter as RDS data (id., ¶ 0129, wherein it is obvious the meta-data is the associated text information which is transmitted with the audio data using FM and RDS means).

19. Regarding **claim 13**, see the preceding argument with respect to claim 12. The combination teaches the hand-held music player of claim 12, wherein the meta-data includes the name of the song currently being transmitted. Thielen teaches associated

text information and it is obvious that this includes a name of the song currently being transmitted.

20. Regarding **claim 14**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein information about the hand-held digital music player is transferred through said second transfer socket to the radio transmitter, for transmission by the radio transmitter as RDS data (see the preceding argument with respect to claim 13, wherein the associated text information about a currently playing song reads on transferred information about a hand-held player, in as much that it conveys the player is playing a song).

21. Regarding **claim 16**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, further comprising a frequency selector, for selecting a broadcast frequency (id., ¶ 0128).

22. Regarding **claim 17**, see the preceding argument with respect to claim 16. The combination teaches the hand-held music player of claim 16, wherein said frequency selector comprises a tuner for scanning radio frequencies (id., ¶ 0133).

23. Regarding **claim 53**, see the preceding argument with respect to claim 1. The combination teaches a device with these features, wherein Grady teaches that the dock connector is a USB socket (see Grady, ¶ 0073) and it is obvious to send the meta-data to the RDS encoder (see Thielen, ¶ 0129) for the purpose of creating a modular design for use with a wide variety of media players (id., ¶ 0213-0220). Furthermore, Thielen teaches that an audio connector socket is used to place digital content on the IPOD



(see ¶ 0015), wherein this teaches an audio connector socket through which digital audio data is received.

24. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Carey, and Thielen with additional evidence as applied to claim 6 above, and further in view of admitted prior art.

25. Regarding **claim 7**, see the preceding argument with respect to claim 6. The combination teaches the hand-held music player of claim 6. However the combination does not specify if the USB socket is a USB 1.1 socket.

The Office takes *Official Notice*, wherein it is well-known in the prior art at the time of the invention by one of ordinary skill in the art that USB 1.1 and 2.0 could be implemented. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Carey, Thielen, and admitted prior art for the purpose of supporting low-speed USB 1.1 devices to ensure compatibility. Likewise it would be obvious to support the high-speed USB 2.0 interface to ensure the fastest transfer rates of digital data when possible.

26. Regarding **claim 8**, see the preceding argument with respect to claims 6 and 7. The combination teaches the hand-held music player of claim 6, wherein said USB socket is a USB 2.0 socket.

27. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Carey, and Thielen as applied to claim 6 above, and further in view of Matsuda et al., US 6,774,604 B2 (hereinafter Matsuda).

28. Regarding **claim 9**, see the preceding argument with respect to claim 6. The combination of Grady, Carey, and Thielen teaches the features of claim 6. However, the combination does not teach a USB on-the-go (OTG) socket.

Matsuda teaches a USB OTG socket for charging a digital device from another portable device or charging the portable device from the digital device (column 9, lines 1-60). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Carey, Thielen, and Matsuda for the purpose of charging the digital player from another portable device.

29. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Carey, and Thielen as applied to claim 14 above, and further in view of Ohmura et al., US 7,158,842 B2 (hereinafter Ohmura).

30. Regarding **claim 15**, see the preceding argument with respect to claim 14. The combination teaches the hand-held music player of claim 14. However the combination of Grady, Carey, and Thielen does not teach information about the hand-held digital music player includes an identification number.

Ohmura teaches a system of portable apparatuses and an audio system in communication, wherein an identification number is transmitted (column 11, lines 29-49). It would have been obvious for one of ordinary skill in the art at the time of the

invention to combine the teachings of Grady, Carey, Thielen, and Ohmura for the purpose of supporting several portable audio players on one audio system (column 3, lines 16-48).

### ***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juntunen et al., US 6,163,711 A (previously cited) - teaches an FM/RDS transmitter system (abstract);

James, US 6,671,494 B1 (previously cited) - teaches an add-on FM transmitter (abstract);

Saubade, US 2004/0049559 A1 (previously cited) - teaches a DARC encoder to provide text in a sideband (abstract and ¶ 0042);

Fadell et al., US 2004/0224638 A1 (previously cited) - teaches a system for communication with other media systems (abstract);

Strietelmeier, Julie, "Gadgeteer Hands On Review: Apple iPod (3<sup>rd</sup> Generation 30GB Model)", 06/06/2003 (previously cited) - teaches about the iPod (pp. 1-10); and

Staff, "Griffin Technology Ships New iTrip for 3<sup>rd</sup> Generation iPods", 10/08/2003 (previously cited) - teaches about an FM add-on to the iPod (pp. 1-2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is

(571)272-7528. The examiner can normally be reached on Tuesday to Friday, 8am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/  
Examiner, Art Unit 2614  
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